

Applicant: JOHNSON *et al.*
Serial No: 09/667,693
Filing Date: September 22, 2000
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REMARKS

In response to the Non-Final Office Action mailed **October 13, 2011** (hereinafter "Office Action"), no claims have been amended, cancelled, or newly added by this Amendment. Therefore, claims 1, 2, 4-7, and 9 remain pending. In view of the following comments, allowance of all the claims pending in the application is respectfully requested.

37 C.F.R. § 1.173(c) STATEMENT

A. STATUS OF THE CLAIMS

Claims 1, 2, 4-7, and 9 are pending in the application.

Claims 3, 8, and 10-20 are cancelled.

More particularly:

- claims 1, 2, 7, and 9 of U.S. Patent No. 5,812,249 have each been twice amended;
- claim 5 of U.S. Patent No. 5,812,249 has been amended one time;
- claims 3 and 8 of U.S. Patent No. 5,812,249 were *previously* cancelled; and
- claims 10-20, which were newly added in the Preliminary Amendment filed on September 22, 2000, were *previously* cancelled.

B. DESCRIPTION OF (AND SUPPORT FOR) CLAIM CHANGES

By this Amendment, no claims have been amended, cancelled, or newly added.

REJECTIONS UNDER 35 U.S.C. § 251

Claims 1, 2, 4-7, and 9 stand rejected under 35 U.S.C. § 251 as allegedly being based upon a defective reissue oath/declaration. In particular, the Examiner alleges that the "Supplemental Reissue Declaration Under 37 C.F.R. § 1.175" filed on November 16, 2010 (hereinafter the "11/16/10 Supplemental Declaration") is defective because it "...does not specifically list all amendments filed subsequent the original oath" [Office Action, pg. 2].

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Applicant traverses this rejection for the reasons set forth below. In particular,
MPEP § 1414.01 recites:

The supplemental reissue oath/declaration must state that every error which was corrected in the reissue application not covered by the prior oath(s)/declaration(s) submitted in the application arose without any deceptive intention on the part of the applicant.

An example of acceptable language is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by the prior declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

[MPEP § 1414.01, emphasis added].

In accordance with MPEP § 1414.01, the 11/16/10 Supplemental Declaration included the following recitation:

Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicants.

Further, no claim amendments have been presented subsequent to the 11/16/10 Response to Non-Final Office Action that accompanied the 11/16/10 Supplemental Declaration. For at least these reasons, withdrawal of the rejection of claims 1, 2, 4-7, and 9 under 35 U.S.C. § 251 is earnestly sought.

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CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

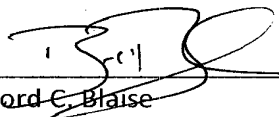
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: January 13, 2012

Respectfully submitted,

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